

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:93CR138
)	
v.)	
)	
ROCKY NAVARRO,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on defendant's motion for a writ of audita querila or alternative writ (Filing No. 118). The defendant asks this court to recalculate his sentence of November 21, 1994, Filing No. 56. On October 21, 2005 defendant filed the same motion and this court issued an order concluding that the motion was time barred.

IT IS ORDERED that the defendant's motion to review sentence (Filing No. 118) is denied as out of time.

DATED this 7th day of June, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge